

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda
Hearing

November 5, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member

P-R-O-C-E-E-D-I-N-G-S

(3:33 p.m.)

CHAIRPERSON MILLER: Okay. We are back on the record to do the agendas for today. And we are going to start with the Licensing Agenda.

The first item on the Licensing Agenda is a request for cancellation of a license for Panda Cafe located at 2138 1/2 Pennsylvania Avenue, N.W., License No. 072312.

I move that we approve this request for cancellation. Do I have a second?

MEMBER SILVERSTEIN: Second.

CHAIRPERSON MILLER: Mr. Silverstein seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those opposed? All those abstaining? The motion passes 3-0-0.

No. 2 is a request for an extension of safekeeping of licensing from

1 Andrew Kline related to Show Bar located at
2 1210 H Street, N.E., License No. 076233.

3 I move that we approve for a
4 period of six months. Do I have a second?

5 MEMBER RODRIGUEZ: Second.

6 CHAIRPERSON MILLER: Mr. Rodriguez
7 seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 3-0-0.

13 No. 3 is another request for
14 extension of safekeeping of licensing and this
15 is for To Be Determined, formerly Cafe Japone
16 located at 2032 P Street, N.W., License No.
17 096045.

18 I move that we approve for six
19 months.

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON MILLER: Mr.

22 Silverstein seconded the motion.

1 All those in favor say aye.

2 ALL: Aye. All those opposed? All
3 those abstaining? The motion passes 4-0-0.

4 No. 4 is another request for
5 extension of safekeeping of license through
6 March 31, 2015 for The George Washington
7 University Club.

8 And also No. 5 is for the Alumni
9 House and the request is until March 31, 2015.

10 So I move that we approve both
11 requests for extensions until March 31, 2015.
12 Do I have a second?

13 MEMBER RODRIGUEZ: Second.

14 CHAIRPERSON MILLER: All those in
15 favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 4-0-0.

20 Okay. No. 6 is another request
21 for extension of safekeeping of licensing for
22 G Spot located at 5413 Georgia Avenue, N.W.,

1 License No. 093419.

2 I move that we approve this for
3 six months. Do I have a second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Mr.

6 Silverstein seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 4-0-0.

12 No. 7 is another request for
13 extension of safekeeping of license and this
14 is for Roberts Law Group located at 1029
15 Vermont Avenue, N.W., License No. 083728.

16 I move that we approve for six
17 months. Do I have a second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON MILLER: Mr.

20 Silverstein seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 4-0-0.

4 No. 8 is another application for
5 safekeeping of license for Thaitanic II
6 located at 3460 14th Street, N.W., License No.
7 082445.

8 I move that we approve for six
9 months.

10 MEMBER RODRIGUEZ: Second.

11 CHAIRPERSON MILLER: Mr. Rodriguez
12 seconded.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 4-0-0.

18 No. 9 is another safekeeping of
19 license application for The Mediterranean Spot
20 located at 1501 U Street, N.W., License No.
21 092484.

22 I move that we approve for six

1 months. Do I have a second?

2 MEMBER SILVERSTEIN: Second.

3 CHAIRPERSON MILLER: Mr.

4 Silverstein seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 4-0-0.

10 No. 10 is an application for a
11 class change from Retailer CR to Retailer CT
12 for Look located at 1909 K Street, N.W.,
13 License No. 077812.

14 I move that we placard this
15 application.

16 MEMBER RODRIGUEZ: Second.

17 CHAIRPERSON MILLER: Mr. Rodriguez
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 4-0-0.

2 No. 11 is a request for change of
3 hours for Casa Oaxaca located at 2106 18th
4 Street, N.W., License No. 076070.

5 I move that we approve. Do I have
6 a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks
9 has seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 4-0-0.

15 No. 12 is a request for a change
16 of hours for Circle 7 located at 740
17 Kenilworth Avenue, N.E., License No. 014581.

18 I move that we approve. Do I have
19 a second?

20 MEMBER SILVERSTEIN: Second.

21 CHAIRPERSON MILLER: Mr.

22 Silverstein has seconded the motion.

1 All those in favor say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining? The motion
5 passes 4-0-0.

6 No. 13 is a request for a change
7 of hours for Family Food and Delicatessen
8 Store located at 3713 New Hampshire Avenue,
9 N.W., License No. 086078.

10 I move that we approve this
11 request. Do I have a second?

12 MEMBER RODRIGUEZ: Second.

13 CHAIRPERSON MILLER: Mr. Rodriguez
14 seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 4-0-0.

20 No. 14 is a request to increase
21 summer garden occupancy from 71 to 104 for
22 Chef Geoff's located at 3201 New Mexico

1 Avenue, N.W., License No. 060249.

2 I move that we placard this
3 request. Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks
6 has seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 4-0-0.

12 No. 15 is an application for an
13 entertainment endorsement to include DJ on
14 weekends and a weekly Karaoke night. This is
15 for Po Boy Jim located at 709 H Street, N.E.,
16 License No. 087903.

17 I move that we placard this
18 application. Do I have a second?

19 MEMBER SILVERSTEIN: Second.

20 CHAIRPERSON MILLER: Mr.
21 Silverstein has seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? The motion
4 passes 5-0-0.

5 MEMBER ALBERTI: Yes.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: Okay. I'm here
8 now.

9 CHAIRPERSON MILLER: You are?

10 MEMBER ALBERTI: Yes.

11 CHAIRPERSON MILLER: Okay. 16 is
12 an application for an entertainment
13 endorsement for Chaplin located at 1501 9th
14 Street, N.W., License No. 095700.

15 I move that we placard this
16 application. Do I have a second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr.

19 Silverstein seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed? All those abstaining? The motion
2 passes 5-0-0.

3 No. 17 is an application for on-
4 site sales and consumption permit for
5 Hellbender Brewing Company located at 5788 2nd
6 Street, N.E., License No. 093500.

7 I move that we approve. Do I have
8 a second?

9 MEMBER ALBERTI: Second.

10 CHAIRPERSON MILLER: Mr. Alberti
11 seconded the motion.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 5-0-0.

17 And No. 18 is an application for a
18 manager's license for Jose Pineda, ABRA-
19 096688.

20 I move that we approve this
21 application. Do I have a second?

22 MEMBER RODRIGUEZ: Second.

1 CHAIRPERSON MILLER: Mr. Rodriguez
2 seconded the motion.

3 MEMBER ALBERTI: I'm going to
4 oppose this.

5 CHAIRPERSON MILLER: Okay.

6 MEMBER ALBERTI: Because I thought
7 we wanted -- this was -- what was his --

8 CHAIRPERSON MILLER: This is
9 confidential though, right?

10 MEMBER ALBERTI: Yes. I would
11 have preferred a Fact-Finding on this case.

12 CHAIRPERSON MILLER: Oh, okay.
13 You can say that. Okay.

14 MEMBER ALBERTI: Can I --

15 CHAIRPERSON MILLER: Yes?

16 MEMBER ALBERTI: I will just --

17 CHAIRPERSON MILLER: Can we go off
18 the record for a minute?

19 MEMBER ALBERTI: Let's go off the
20 record.

21 CHAIRPERSON MILLER: Because this
22 is supposed to be confidential. Okay.

1 MEMBER ALBERTI: All right.

2 (Whereupon, the above-entitled
3 matter went off the record at 3:41 p.m. and
4 resumed at 3:42 p.m.)

5 CHAIRPERSON MILLER: Okay. I'm
6 going to withdraw my motion and let Mr.
7 Alberti make a motion.

8 MEMBER ALBERTI: I move that we
9 schedule a Fact-Finding for this manager's
10 license application.

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Okay. There
13 is a motion that has been seconded by Mr.
14 Brooks to have a Fact-Finding Hearing on this
15 application.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 5-0-0.

21 Okay. We have a Supplemental
22 Licensing Agenda.

1 The first item on the Supplemental
2 Licensing Agenda is a review for a request for
3 stipulated license with a letter of support
4 from the ANC for MOM's Organic Market.

5 I move that we approve this
6 request. Do I have a second?

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 5-0-0.

15 Okay. So No. 2 then on the
16 Supplemental Licensing Agenda is a request for
17 an extension of safekeeping of license for
18 Todito Grocery at 1813 Columbia Road, N.W.,
19 License No. 060011.

20 I move that we approve this
21 request for a period of six months. Do I have
22 a second?

1 MEMBER RODRIGUEZ: Second.

2 CHAIRPERSON MILLER: Mr. Rodriguez
3 has seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 5-0-0.

9 We have a Cancellation Agenda with
10 just one item on it.

11 And that is ABRA-076672, El
12 Pulgarcito of America, LLC located at 5313
13 Georgia Avenue, N.W.

14 I move that we approve the
15 cancellation of that license. Do I have a
16 second?

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr.
19 Silverstein seconded the motion. I just want
20 to say that in this case, the enforcement
21 confirmed that the licensee is out of business
22 and no longer operating. Okay. So any other

1 comments?

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 5-0-0.

7 Okay. Which brings us to the
8 Legal Agenda.

9 All right. Okay. No. 1 is a
10 Motion for Reconsideration dated October 14,
11 2014 submitted by Stephen O'Brien on behalf of
12 Napoleon. Napoleon is located at 1847
13 Columbia Road, N.W., License No. 075836.

14 No. 2 and 3 are related to the
15 motion. No. 2 is a Memorandum in Opposition
16 submitted by Ted Guthrie on behalf of ANC-
17 1C03. And then there was a reply to the
18 opposition that's No. 3.

19 Does somebody have a motion on
20 this one?

21 MEMBER ALBERTI: Talking about No.
22 1, I'll move --

1 CHAIRPERSON MILLER: Yes.

2 MEMBER ALBERTI: -- that we deny
3 the Motion for Reconsideration submitted by
4 Mr. O'Brien on behalf of Napoleon.

5 MEMBER SILVERSTEIN: I will
6 second.

7 CHAIRPERSON MILLER: Okay. So
8 there has been a motion to deny by Mr.
9 Alberti.

10 MEMBER ALBERTI: Well, actually, I
11 withdraw the motion.

12 CHAIRPERSON MILLER: You do?

13 MEMBER ALBERTI: I withdraw my
14 motion. I withdraw my motion.

15 CHAIRPERSON MILLER: So do you
16 want to say why?

17 MEMBER ALBERTI: No.

18 CHAIRPERSON MILLER: Oh. Anybody
19 else want to make a motion?

20 MEMBER SILVERSTEIN: I move we
21 deny.

22 MEMBER ALBERTI: Okay. I think

1 we're okay. We're okay.

2 CHAIRPERSON MILLER: Okay. Is
3 there --

4 MEMBER ALBERTI: All right. I'll
5 second that. I'm sorry. Sorry for the
6 confusion.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: I wasn't sure. I
9 was confused.

10 CHAIRPERSON MILLER: So Mr.
11 Silverstein has moved to deny. Mr. Alberti
12 has seconded. Are there any comments? Well,
13 I would like to comment that I think that, you
14 know, they made some compelling arguments in
15 the motion, but I'm under the impression that
16 the settlement agreement controls, so for that
17 reason I'll support the motion.

18 All those in favor then, if there
19 are no other comments?

20 MEMBER ALBERTI: I will just say
21 that --

22 CHAIRPERSON MILLER: You have a

1 comment? Go ahead.

2 MEMBER ALBERTI: -- there are
3 arguments were, I don't know if spurious is
4 the right word, but they really didn't hold
5 any water because as Mr. O'Brien should know,
6 a settlement agreement is the governing
7 document.

8 So in any case whether or not our
9 order existed or not, they would be bound by
10 the terms that we had in our order, because
11 our order mimics the settlement agreement.

12 And so their argument that they
13 were harmed by not knowing that they would
14 have to limit their occupancy to what we had
15 in our order is, I don't know what to say,
16 nonsensical, because they for 10 years had the
17 settlement agreement. They were bound by it.
18 And they knew when they applied for the
19 licenses year-after-year that they were bound
20 by that settlement agreement.

21 To then argue that they thought
22 they could increase it without modifying the

1 settlement agreement is nonsensical.

2 CHAIRPERSON MILLER: Well, I
3 wouldn't go that far, but you know, I mean, I
4 think when they have that number on their
5 Certificate of Occupancy for all these years,
6 that I think there is some basis to rely on
7 it. But I certainly hear what you are saying
8 and that's why I'm saying if the settlement
9 agreement controls, then the settlement
10 agreement controls.

11 All right. Any other comments?

12 MEMBER BROOKS: I have a comment.

13 CHAIRPERSON MILLER: Yes, Mr.
14 Brooks, yes.

15 MEMBER BROOKS: I regret that I
16 have to vote to deny the Motion for
17 Reconsideration. Mr. Omar Popal and his
18 father are basically good operators.

19 CHAIRPERSON MILLER: Yes.

20 MEMBER BROOKS: And they owned, I
21 think, two other licenses. I think both may
22 be in Georgetown.

1 CHAIRPERSON MILLER: Yes.

2 MEMBER BROOKS: However, I do have
3 to support the motion for -- to deny the
4 Motion for Reconsideration with some of the
5 comments that Board Member Alberti has already
6 expressed.

7 CHAIRPERSON MILLER: Thank you.
8 And I think that any relief that they want
9 from those numbers may need to be through an
10 amendment to the settlement agreement, but not
11 through this renewal decision.

12 So okay. Others? Okay. So there
13 has been a motion to deny that has been
14 seconded.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 5-0-0.

20 So no action is required on 2 and
21 3 because they are just related to the motion
22 that we just voted on.

1 No. 4 is a settlement agreement
2 between ANC-6B and Roland's of Capitol Hill
3 located at 333 Pennsylvania Avenue, S.E.,
4 License No. 078514.

5 Did anybody have any modifications
6 to this settlement agreement?

7 MEMBER ALBERTI: I'll move that we
8 approve the settlement agreement.

9 MEMBER BROOKS: And I second it.

10 MEMBER ALBERTI: I have no --

11 CHAIRPERSON MILLER: Okay. All
12 right. There has been a motion that has been
13 seconded to approve.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 5-0-0.

19 No. 5 is another settlement
20 agreement and that's between ANC-6B and
21 Capitol Supreme Market which is located at 501
22 4th Street, S.E., License No. 076858.

1 I move that we approve.

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti
4 seconded.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 5-0-0.

10 No. 6 is another settlement
11 agreement between ANC-2C and Umayá. Umayá is
12 located at 733 10th Street, N.W., License No.
13 094099.

14 I move that we approve. Do I have
15 a second?

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: Mr. Alberti
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 5-0-0.

2 No. 7 is an off-site storage
3 request for El Centro D.F. located at 1819
4 14th Street, N.W., License No. 084847.

5 I move that we approve this
6 request.

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti
9 seconded.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 5-0-0.

15 Okay. Finally, we have a
16 Supplemental Legal Agenda.

17 No. 1 is a request for
18 reinstatement dated October 3, 2014 submitted
19 by Merkato Ethiopian Restaurant located at
20 1909 9th Street, N.W., License No. 08019.

21 I move that we approve this
22 request. Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr.

3 Silverstein has seconded the motion. Any
4 comments?

5 All those in favor --

6 MEMBER ALBERTI: Can we hold the
7 vote for a second?

8 CHAIRPERSON MILLER: Okay. So
9 there has been a motion to approve that has
10 been seconded. And then I asked if there were
11 any comments. Okay.

12 MEMBER ALBERTI: I will be denying
13 this motion. The licensee -- I mean, there is
14 no harm to the licensee if we deny the motion.
15 If we deny this motion, the licensee will just
16 be replacarded. It will just continue the
17 protest process that is going on now, so there
18 really is no harm to the licensee. And that's
19 what they argued in their Motion for
20 Reinstatement.

21 But in their Motion for
22 Reinstatement they said they weren't notified

1 and our records show that they were.

2 CHAIRPERSON MILLER: I'm sure it
3 doesn't show personal service, does it?

4 MEMBER ALBERTI: No, it doesn't
5 show personal service.

6 CHAIRPERSON MILLER: Right, yes.

7 MEMBER ALBERTI: But they -- but
8 as we always note, the dates of these hearings
9 are on the placard and haven't changed. The
10 placard is up for 45 days sitting right in
11 their window. And it's on the official notice
12 that they get when the placards go up. So
13 it's not like they heard it for the first
14 time.

15 CHAIRPERSON MILLER: Okay. Any
16 other comments? All right. There is a motion
17 to approve that has been seconded.

18 All those in favor say aye.

19 MEMBER RODRIGUEZ: Aye.

20 CHAIRPERSON MILLER: Aye.

21 MEMBER SILVERSTEIN: Aye.

22 CHAIRPERSON MILLER: All those

1 opposed?

2 MEMBER JONES: Oppose.

3 MEMBER BROOKS: Oppose.

4 MEMBER ALBERTI: Oppose.

5 CHAIRPERSON MILLER: Okay. So I
6 believe the vote is 3-3-0?

7 MEMBER RODRIGUEZ: Madam Chair,
8 I'm sorry, I was confused. I'm changing my
9 vote to oppose.

10 MEMBER ALBERTI: Opposed.

11 MEMBER RODRIGUEZ: I'm changing my
12 vote to opposed.

13 CHAIRPERSON MILLER: Well, it
14 doesn't matter. Okay. I mean, it's the same
15 result I believe.

16 MEMBER RODRIGUEZ: Okay.

17 CHAIRPERSON MILLER: So okay. 2-
18 4-0, right?

19 MEMBER ALBERTI: Yes. Right, the
20 motion fails.

21 CHAIRPERSON MILLER: So then --

22 MEMBER ALBERTI: 2-4-0.

1 CHAIRPERSON MILLER: Right. So
2 why don't we do another motion? Somebody do
3 a motion.

4 MEMBER ALBERTI: Okay. I'll move
5 that we deny the Motion for Reinstatement from
6 Merkato Ethiopian Restaurant.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: Do I have a
9 second?

10 MEMBER BROOKS: Second.

11 MEMBER ALBERTI: Thank you.

12 CHAIRPERSON MILLER: Okay. There
13 has been a motion to deny.

14 All those in favor of denying say
15 aye.

16 MEMBER ALBERTI: Aye.

17 MEMBER RODRIGUEZ: Aye.

18 MEMBER SILVERSTEIN: Aye.

19 MEMBER JONES: Aye.

20 MEMBER BROOKS: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? Opposed. So this one passes by a

1 vote of 5-1-0 with Miller dissenting. Okay.

2 No. 2 is a request to reopen the
3 closed record in the Takoma Station Tavern
4 protest proceedings dated October 31, 2014
5 submitted by Faith Wheeler of ANC-4B02.

6 Takoma Station Tavern is located at 6914 4th
7 Street, N.W., License No. 079370.

8 And I move to deny this request.

9 MEMBER ALBERTI: Second.

10 CHAIRPERSON MILLER: Mr. Alberti
11 seconded the motion. I would say at minimum,
12 Ms. Wheeler doesn't even have standing in this
13 case. She is not a party, so I see no reason
14 in her letter to grant that request. Other
15 comments? Okay.

16 All those in favor of denying the
17 request say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The motion
21 passes 6-0-0.

22 No. 3 is a Motion to Withdraw

1 Appearance dated November 4, 2014 submitted by
2 Richard Bianco, counsel for The District
3 located at 2473 18th Street, N.W.

4 We granted this motion this
5 morning, so I don't think we need to vote
6 again on it, unless somebody would like that?
7 Okay.

8 MEMBER ALBERTI: No. Unless you
9 just read the decision and then it will be in
10 the record, but we voted as going to approve
11 it.

12 CHAIRPERSON MILLER: Yes, to grant
13 it.

14 MEMBER ALBERTI: Okay. Great.

15 CHAIRPERSON MILLER: Yes. It was
16 granted this morning.

17 MEMBER ALBERTI: Oh, okay, I'm
18 sorry.

19 CHAIRPERSON MILLER: Okay. All
20 right. So that completes our agendas for
21 November 5, 2014. We just have to do our
22 votes on the closed meetings. Okay.

1 As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia and in accordance with Section 405 of
4 the Open Meetings Amendment Act of 2010, I
5 move that the ABC Board hold a closed meeting
6 on November 12, 2014 for the purpose of
7 seeking legal advice from our counsel on the
8 matters identified on the Board's Agenda for
9 November 12, 2014 as published in the DC
10 Register on November 7, 2014.

11 Is there a second?

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Mr. Brooks
14 has seconded the motion. I'll now take a roll
15 call vote on the motion before us now that it
16 has been seconded.

17 Mr. Brooks?

18 MEMBER BROOKS: I agree.

19 CHAIRPERSON MILLER: Mr. Alberti?

20 MEMBER ALBERTI: I agree.

21 CHAIRPERSON MILLER: Mr.
22 Rodriguez?

1 MEMBER RODRIGUEZ: I agree.

2 CHAIRPERSON MILLER: Ms. Miller
3 agrees.

4 Mr. Silverstein?

5 MEMBER SILVERSTEIN: I agree.

6 CHAIRPERSON MILLER: It appears
7 that the motion has passed by a 5-0-0 vote.

8 I hereby give notice that the ABC
9 Board will hold this aforementioned closed
10 meeting pursuant to the Open Meetings
11 Amendment Act of 2010. Notice will also be
12 posted on the ABC Board hearing room bulletin
13 board, placed on the electronic calendar on
14 ABRA's website and published in the DC
15 Register in as timely a manner as practicable.

16 As Chairperson of the Alcoholic
17 Beverage Control Board for the District of
18 Columbia and in accordance with Section 405 of
19 the Open Meetings Amendment Act of 2010, I
20 move that the ABC Board hold a closed meeting
21 on November 12, 2014 for the purpose of
22 discussing and hearing reports concerning

1 ongoing or planned investigations of alleged
2 criminal or civil misconduct or violations of
3 law or regulations and seeking legal advice
4 from our counsel on the Board's Investigative
5 Agenda for November 12, 2014 as published in
6 the DC Register on November 7, 2014.

7 Is there a second?

8 MEMBER RODRIGUEZ: Second.

9 CHAIRPERSON MILLER: Mr. Rodriguez
10 has seconded the motion. I'll now take a roll
11 call vote on the motion before us now that it
12 has been seconded.

13 Mr. Brooks?

14 MEMBER BROOKS: I agree.

15 CHAIRPERSON MILLER: Mr. Alberti?

16 MEMBER ALBERTI: I agree.

17 CHAIRPERSON MILLER: Mr.
18 Rodriguez?

19 MEMBER RODRIGUEZ: I agree.

20 CHAIRPERSON MILLER: Ms. Miller
21 agrees.

22 Mr. Silverstein?

1 MEMBER SILVERSTEIN: I agree.

2 CHAIRPERSON MILLER: It appears
3 that the motion has passed by a 5-0-0 vote.

4 I hereby give notice that the ABC
5 Board will hold this aforementioned closed
6 meeting pursuant to the Open Meetings
7 Amendment Act of 2010. Notice will also be
8 posted on the ABC Board hearing room bulletin
9 board, placed on the electronic calendar on
10 ABRA's website and published in the DC
11 Register in as timely a manner as practicable.

12 And that concludes our business at
13 least on the dias for November 5, 2014 and we
14 are adjourned.

15 MEMBER RODRIGUEZ: Thank you,
16 Madam Chair.

17 (Whereupon, the A.B.R.A. Agenda in
18 the above-entitled matter was concluded at
19 4:01 p.m.)

20

21

22

<p>A</p> <p>A.B.R.A 1:6 35:17</p> <p>ABC 32:5 33:8,12 33:20 35:4,8</p> <p>above-entitled 14:2 35:18</p> <p>ABRA 12:18</p> <p>ABRA's 33:14 35:10</p> <p>ABRA-076672 16:11</p> <p>abstaining 2:19 3:11 4:3,18 5:10 6:2,16 7:8,22 8:13 9:4,18 10:10 11:3 12:1,15 14:19 15:13 16:7 17:5 22:18 23:17 24:8 24:22 25:13 30:20</p> <p>Act 32:4 33:11,19 35:7</p> <p>action 22:20</p> <p>adjourned 35:14</p> <p>advice 32:7 34:3</p> <p>aforementioned 33:9 35:5</p> <p>Agenda 1:6,6 2:6,8 14:22 15:2,16 16:9 17:8 25:16 32:8 34:5 35:17</p> <p>agendas 2:4 31:20</p> <p>agree 32:18,20 33:1 33:5 34:14,16,19 35:1</p> <p>agreement 19:16 20:6,11,17,20 21:1,9,10 22:10 23:1,6,8,20 24:11</p> <p>agrees 33:3 34:21</p> <p>ahead 20:1</p> <p>Alberti 1:16 11:5,7 11:10 12:9,10 13:3,6,10,14,16 13:19 14:1,7,8 15:7,8 17:21 18:2 18:9,10,13,17,22 19:4,8,11,20 20:2</p>	<p>22:5 23:7,10 24:2 24:3,16,17 25:7,8 26:6,12 27:4,7 28:4,10,19,22 29:4,8,11,16 30:9 30:10 31:8,14,17 32:19,20 34:15,16</p> <p>Alcoholic 1:2,10,11 32:1 33:16</p> <p>alleged 34:1</p> <p>Alumni 4:8</p> <p>amendment 22:10 32:4 33:11,19 35:7</p> <p>America 16:12</p> <p>ANC 15:4 17:16</p> <p>ANC-2C 24:11</p> <p>ANC-4B02 30:5</p> <p>ANC-6B 23:2,20</p> <p>Andrew 3:1</p> <p>anybody 18:18 23:5</p> <p>Appearance 31:1</p> <p>appears 33:6 35:2</p> <p>application 6:4,19 7:10,15 10:12,18 11:12,16 12:3,17 12:21 14:10,15</p> <p>applied 20:18</p> <p>approve 2:11 3:3 3:18 4:10 5:2,16 6:8,22 8:5,18 9:10 12:7,20 15:5,20 16:14 23:8,13 24:1,14 25:5,21 26:9 27:17 31:10</p> <p>argue 20:21</p> <p>argued 26:19</p> <p>argument 20:12</p> <p>arguments 19:14 20:3</p> <p>asked 26:10</p> <p>Avenue 2:10 4:22 5:15 8:17 9:8 10:1 16:13 23:3</p> <p>aye 2:16,17 3:8,9 4:1,15,16 5:7,8,21</p>	<p>5:22 6:13,14 7:5,6 7:19,20 8:10,11 9:1,2,15,16 10:7,8 10:22 11:1,20,21 12:12,13 14:16,17 15:10,11 16:4,5 17:2,3 22:15,16 23:14,15 24:5,6 24:19,20 25:10,11 27:18,19,20,21 29:15,16,17,18,19 29:20 30:17,18</p> <p>Aye.All 4:2</p> <p>B</p> <p>back 2:4</p> <p>Bar 3:1</p> <p>basically 21:18</p> <p>basis 21:6</p> <p>behalf 17:11,16 18:4</p> <p>believe 28:6,15</p> <p>Beverage 1:2,10,11 32:2 33:17</p> <p>Bianco 31:2</p> <p>board 1:2,11 22:5 32:2,5 33:9,12,13 33:17,20 35:5,8,9</p> <p>Board's 32:8 34:4</p> <p>bound 20:9,17,19</p> <p>Boy 10:15</p> <p>Brewing 12:5</p> <p>brings 17:7</p> <p>Brooks 1:16 8:7,8 10:4,5 14:11,14 21:12,14,15,20 22:2 23:9 28:3 29:10,20 32:12,13 32:17,18 34:13,14</p> <p>Building 1:11</p> <p>bulletin 33:12 35:8</p> <p>business 16:21 35:12</p> <p>C</p> <p>Cafe 2:9 3:15</p> <p>calendar 33:13</p>	<p>35:9</p> <p>call 32:15 34:11</p> <p>cancellation 2:8,12 16:9,15</p> <p>Capitol 23:2,21</p> <p>Casa 8:3</p> <p>case 13:11 16:20 20:8 30:13</p> <p>Centro 25:3</p> <p>certainly 21:7</p> <p>Certificate 21:5</p> <p>Chair 28:7 35:16</p> <p>Chairperson 1:12 1:15 2:3,14,18 3:6 3:10,21 4:14,17 5:5,9,19 6:1,11,15 7:3,7,17,21 8:8,12 8:21 9:3,13,17 10:5,9,20 11:2,6,9 11:11,18,22 12:10 12:14 13:1,5,8,12 13:15,17,21 14:5 14:12,18 15:8,12 16:2,6,18 17:4 18:1,7,12,15,18 19:2,7,10,22 21:2 21:13,19 22:1,7 22:17 23:11,16 24:3,7,17,21 25:8 25:12 26:2,8 27:2 27:6,15,20,22 28:5,13,17,21 29:1,7,12,21 30:10,19 31:12,15 31:19 32:1,13,19 32:21 33:2,6,16 34:9,15,17,20 35:2</p> <p>change 7:11 8:2,15 9:6</p> <p>changed 27:9</p> <p>changing 28:8,11</p> <p>Chaplin 11:13</p> <p>Chef 9:22</p> <p>Circle 8:16</p> <p>civil 34:2</p> <p>class 7:11</p>	<p>closed 30:3 31:22 32:5 33:9,20 35:5</p> <p>Club 4:7</p> <p>Columbia 1:1 15:18 17:13 32:3 33:18</p> <p>comment 19:13 20:1 21:12</p> <p>comments 17:1 19:12,19 21:11 22:5 26:4,11 27:16 30:15</p> <p>Company 12:5</p> <p>compelling 19:14</p> <p>completes 31:20</p> <p>concerning 33:22</p> <p>concluded 35:18</p> <p>concludes 35:12</p> <p>confidential 13:9 13:22</p> <p>confirmed 16:21</p> <p>confused 19:9 28:8</p> <p>confusion 19:6</p> <p>consumption 12:4</p> <p>continue 26:16</p> <p>Control 1:2,10,11 32:2 33:17</p> <p>controls 19:16 21:9 21:10</p> <p>counsel 31:2 32:7 34:4</p> <p>CR 7:11</p> <p>criminal 34:2</p> <p>CT 7:11</p> <p>D</p> <p>D.C 1:12</p> <p>D.F 25:3</p> <p>dated 17:10 25:18 30:4 31:1</p> <p>dates 27:8</p> <p>days 27:10</p> <p>DC 32:9 33:14 34:6 35:10</p> <p>decision 22:11 31:9</p> <p>Delicatessen 9:7</p> <p>deny 18:2,8,21</p>
--	--	--	--	---

19:11 21:16 22:3 22:13 26:14,15 29:5,13 30:8 denying 26:12 29:14 30:16 Determined 3:15 dias 35:13 discussing 33:22 dissenting 30:1 District 1:1 31:2 32:2 33:17 DJ 10:13 document 20:7 DONALD 1:16	24:19 25:10 26:5 27:18 29:14 30:16 Finally 25:15 first 2:7 15:1 27:13 Food 9:7 formerly 3:15	<hr/> I <hr/> identified 32:8 II 6:5 impression 19:15 include 10:13 increase 9:20 20:22 investigations 34:1 Investigative 34:4 item 2:7 15:1 16:10	3:14 4:21 14:22 15:2,16 limit 20:14 LLC 16:12 located 2:9 3:1,16 4:22 5:14 6:6,20 7:12 8:3,16 9:8,22 10:15 11:13 12:5 16:12 17:12 23:3 23:21 24:12 25:3 25:19 30:6 31:3 longer 16:22 Look 7:12	22:2,5 23:7,9,10 24:2,16 25:7 26:1 26:6,12 27:4,7,19 27:21 28:2,3,4,7 28:10,11,16,19,22 29:4,8,10,11,16 29:17,18,19,20 30:9 31:8,14,17 32:12,18,20 33:1 33:5 34:8,14,16 34:19 35:1,15 Memorandum 17:15 Merkato 25:19 29:6 met 1:11 Mexico 9:22 MIKE 1:17 Miller 1:12,15 2:3 2:14,18 3:6,10,21 4:14,17 5:5,9,19 6:1,11,15 7:3,7,17 7:21 8:8,12,21 9:3 9:13,17 10:5,9,20 11:2,6,9,11,18,22 12:10,14 13:1,5,8 13:12,15,17,21 14:5,12,18 15:8 15:12 16:2,6,18 17:4 18:1,7,12,15 18:18 19:2,7,10 19:22 21:2,13,19 22:1,7,17 23:11 23:16 24:3,7,17 24:21 25:8,12 26:2,8 27:2,6,15 27:20,22 28:5,13 28:17,21 29:1,7 29:12,21 30:1,10 30:19 31:12,15,19 32:13,19,21 33:2 33:2,6 34:9,15,17 34:20,20 35:2 mimics 20:11 minimum 30:11 minute 13:18 misconduct 34:2
<hr/> E <hr/> El 16:11 25:3 electronic 33:13 35:9 endorsement 10:13 11:13 enforcement 16:20 entertainment 10:13 11:12 Ethiopian 25:19 29:6 existed 20:9 expressed 22:6 extension 2:22 3:14 4:5,21 5:13 15:17 extensions 4:11	<hr/> G <hr/> G 4:22 garden 9:21 Geoff's 9:22 George 4:6 Georgetown 21:22 Georgia 4:22 16:13 give 33:8 35:4 go 13:17,19 20:1 21:3 27:12 going 2:5 13:3 14:6 26:17 31:10 good 21:18 governing 20:6 grant 30:14 31:12 granted 31:4,16 Great 31:14 Grocery 15:18 Group 5:14 Guthrie 17:16	<hr/> J <hr/> Japone 3:15 Jim 10:15 JONES 1:17 28:2 29:19 Jose 12:18	<hr/> M <hr/> Madam 28:7 35:16 manager's 12:18 14:9 manner 33:15 35:11 March 4:6,9,11 Market 15:4 23:21 matter 1:5 14:3 28:14 35:18 matters 32:8 mean 21:3 26:13 28:14 Mediterranean 6:19 meeting 1:3 32:5 33:10,20 35:6 meetings 31:22 32:4 33:10,19 35:6 Member 1:16,16,17 1:17,18 2:13 3:5 3:20 4:13 5:4,18 6:10 7:2,16 8:7,20 9:12 10:4,19 11:5 11:7,10,17 12:9 12:22 13:3,6,10 13:14,16,19 14:1 14:8,11 15:7 16:1 16:17 17:21 18:2 18:5,10,13,17,20 18:22 19:4,8,20 20:2 21:12,15,20	
<hr/> F <hr/> Fact-Finding 13:11 14:9,14 fails 28:20 Faith 30:5 Family 9:7 far 21:3 father 21:18 favor 2:16 3:8 4:1 4:15 5:7,21 6:13 7:5,19 8:10 9:1,15 10:7,22 11:20 12:12 14:16 15:10 16:4 17:2 19:18 22:15 23:14 24:5	<hr/> H <hr/> H 3:2 10:15 Hampshire 9:8 harm 26:14,18 harm 26:14,18 harmed 20:13 hear 21:7 heard 27:13 hearing 1:6,11 14:14 33:12,22 35:8 hearings 27:8 HECTOR 1:18 Hellbender 12:5 HERMAN 1:17 Hill 23:2 hold 20:4 26:6 32:5 33:9,20 35:5 hours 8:3,16 9:7 House 4:9	<hr/> K <hr/> K 7:12 Karaoke 10:14 Kenilworth 8:17 Kline 3:1 knew 20:18 know 19:14 20:3,5 20:15 21:3 knowing 20:13	<hr/> L <hr/> law 5:14 34:3 legal 17:8 25:16 32:7 34:3 Let's 13:19 letter 15:3 30:14 license 2:9,10 3:2 3:16 4:5 5:1,13,15 6:5,6,19,20 7:13 8:4,17 9:9 10:1,16 11:14 12:6,18 14:10 15:3,17,19 16:15 17:13 23:4 23:22 24:12 25:4 25:20 30:7 licensee 16:21 26:13,14,15,18 licenses 20:19 21:21 licensing 2:6,7,22	

modifications 23:5 modifying 20:22 MOM's 15:4 months 3:4,19 5:3 5:17 6:9 7:1 15:21 morning 31:5,16 motion 2:15,19 3:7 3:11,22 4:3,18 5:6 5:10,20 6:2,16 7:4 7:8,18,22 8:9,13 8:22 9:4,14,18 10:6,10,21 11:3 11:19 12:1,11,15 13:2 14:6,7,13,19 15:9,13 16:3,7,19 17:5,10,15,19 18:3,8,11,14,14 18:19 19:15,17 21:16 22:3,4,13 22:18,21 23:12,17 24:8,18,22 25:13 26:3,9,13,14,15 26:19,21 27:16 28:20 29:2,3,5,13 30:11,20,22 31:4 32:14,15 33:7 34:10,11 35:3 move 2:11 3:3,18 4:10 5:2,16 6:8,22 7:14 8:5,18 9:10 10:2,17 11:15 12:7,20 14:8 15:5 15:20 16:14 17:22 18:20 23:7 24:1 24:14 25:5,21 29:4 30:8 32:5 33:20 moved 19:11	17:13 24:12 25:4 25:20 30:7 31:3 Napoleon 17:12,12 18:4 need 22:9 31:5 New 9:8,22 NICK 1:16 night 10:14 nonsensical 20:16 21:1 note 27:8 notice 27:11 33:8 33:11 35:4,7 notified 26:22 November 1:9 31:1 31:21 32:6,9,10 33:21 34:5,6 35:13 number 21:4 numbers 22:9	35:6 operating 16:22 operators 21:18 oppose 13:4 28:2,3 28:4,9 opposed 2:19 3:11 4:2,18 5:10 6:2,16 7:8,22 8:13 9:4,18 10:10 11:3 12:1 12:15 14:19 15:13 16:7 17:5 22:18 23:17 24:8,22 25:13 28:1,10,12 29:22,22 30:20 opposition 17:15 17:18 order 20:9,10,11,15 Organic 15:4 owned 21:20	placed 33:13 35:9 planned 34:1 Po 10:15 Popal 21:17 posted 33:12 35:8 practicable 33:15 35:11 preferred 13:11 PRESENT 1:14 presiding 1:13 proceedings 30:4 process 26:17 protest 26:17 30:4 published 32:9 33:14 34:5 35:10 Pulgarcito 16:12 purpose 32:6 33:21 pursuant 33:10 35:6	reply 17:17 reports 33:22 request 2:8,12,21 3:13 4:4,9,20 5:12 8:2,15 9:6,11,20 10:3 15:2,6,16,21 25:3,6,17,22 30:2 30:8,14,17 requests 4:11 required 22:20 Restaurant 25:19 29:6 result 28:15 resumed 14:4 Retailer 7:11,11 review 15:2 Richard 31:2 right 13:9 14:1 17:9 19:4 20:4 21:11 23:12 27:6 27:10,16 28:18,19 29:1 31:20 Road 15:18 17:13 Roberts 5:14 Rodriguez 1:18 3:5 3:6 4:13 6:10,11 7:16,17 9:12,13 12:22 13:1 16:1,2 27:19 28:7,11,16 29:17 32:22 33:1 34:8,9,18,19 35:15 Roland's 23:2 roll 32:14 34:10 room 1:11 33:12 35:8 Ruthanne 1:12,15
<hr/>				
O				
<hr/>				
O'Brien 17:11 18:4 20:5 Oaxaca 8:3 occupancy 9:21 20:14 21:5 October 17:10 25:18 30:4 off-site 25:2 official 27:11 Oh 13:12 18:18 31:17 okay 2:3 4:20 11:6 11:7,11 13:5,12 13:13,22 14:5,12 14:21 15:15 16:22 17:7,9 18:7,22 19:1,1,2,7 22:12 22:12 23:11 25:15 26:8,11 27:15 28:5,14,16,17 29:4,7,12 30:1,15 31:7,14,17,19,22 Omar 21:17 ongoing 34:1 Open 32:4 33:10,19				
<hr/>				
N				
<hr/>				
N.E 3:2 8:17 10:15 12:6 N.W 1:12 2:10 3:16 4:22 5:15 6:6,20 7:12 8:4 9:9 10:1 11:14 15:18 16:13				
<hr/>				
P				
<hr/>				
P 3:16 P-R-O-C-E-E-D-... 2:1 p.m 2:2 14:3,4 35:19 Panda 2:9 party 30:13 passed 33:7 35:3 passes 2:20 3:12 4:3,19 5:11 6:3,17 7:9 8:1,14 9:5,19 10:11 11:4 12:2 12:16 14:20 15:14 16:8 17:6 22:19 23:18 24:9 25:1 25:14 29:22 30:21 Pennsylvania 2:10 23:3 period 3:4 15:21 permit 12:4 personal 27:3,5 Pineda 12:18 placard 7:14 10:2 10:17 11:15 27:9 27:10 placards 27:12				
<hr/>				
Q				
<hr/>				
R				
<hr/>				
read 31:9 really 20:4 26:18 reason 19:17 30:13 Reconsideration 17:10 18:3 21:17 22:4 record 2:4 13:18,20 14:3 30:3 31:10 records 27:1 Reeves 1:11 Register 32:10 33:15 34:6 35:11 regret 21:15 regulations 34:3 reinstatement 25:18 26:20,22 29:5 related 3:1 17:14 22:21 relief 22:8 rely 21:6 renewal 22:11 reopen 30:2 replacarded 26:16				
<hr/>				
S				
<hr/>				
S.E 23:3,22 safekeeping 2:22 3:14 4:5,21 5:13 6:5,18 15:17 sales 12:4 saying 21:7,8 schedule 14:9 second 2:12,13 3:4				

3:5,20 4:12,13 5:3 5:4,17,18 6:10 7:1 7:2,16 8:6,7,19,20 9:11,12 10:3,4,18 10:19 11:16,17 12:8,9,21,22 14:11 15:6,7,22 16:1,16,17 18:6 19:5 23:9 24:2,15 24:16 25:7,22 26:1,7 29:9,10 30:9 32:11,12 34:7,8 seconded 2:15 3:7 3:22 5:6,20 6:12 7:4,18 8:9,22 9:14 10:6,21 11:19 12:11 13:2 14:13 15:9 16:3,19 19:12 22:14 23:13 24:4,18 25:9 26:3 26:10 27:17 30:11 32:14,16 34:10,12 Section 32:3 33:18 see 30:13 seeking 32:7 34:3 service 27:3,5 settlement 19:16 20:6,11,17,20 21:1,8,9 22:10 23:1,6,8,19 24:10 show 3:1 27:1,3,5 Silverstein 1:17 2:13,15 3:20,22 5:4,6,18,20 7:2,4 8:20,22 10:19,21 11:17,19 16:17,19 18:5,20 19:11 26:1,3 27:21 29:18 33:4,5 34:22 35:1 site 12:4 sitting 27:10 six 3:4,18 5:3,16 6:8,22 15:21 somebody 17:19 29:2 31:6	sorry 19:5,5 28:8 31:18 Spot 4:22 6:19 spurious 20:3 standing 30:12 start 2:5 Station 30:3,6 Stephen 17:11 stipulated 15:3 storage 25:2 Store 9:8 Street 1:12 3:2,16 6:6,20 7:12 8:4 10:15 11:14 12:6 23:22 24:12 25:4 25:20 30:7 31:3 submitted 17:11,16 18:3 25:18 30:5 31:1 Suite 1:12 summer 9:21 Supplemental 14:21 15:1,16 25:16 support 15:3 19:17 22:3 supposed 13:22 Supreme 23:21 sure 19:8 27:2	T take 32:14 34:10 Takoma 30:3,6 Talking 17:21 Tavern 30:3,6 Ted 17:16 terms 20:10 Thaitanic 6:5 Thank 22:7 29:11 35:15 think 18:22 19:13 21:4,6,21,21 22:8 31:5 thought 13:6 20:21 time 27:14 timely 33:15 35:11 today 2:5	Todito 15:18 two 21:21 U U 6:20 Umaya 24:11,11 University 4:7 V Vermont 5:15 violations 34:2 vote 21:16 26:7 28:6,9,12 30:1 31:5 32:15 33:7 34:11 35:3 voted 22:22 31:10 votes 31:22 W want 16:19 18:16 18:19 22:8 wanted 13:7 Washington 1:12 4:6 wasn't 19:8 water 20:5 we're 19:1,1 website 33:14 35:10 weekends 10:14 weekly 10:14 went 14:3 weren't 26:22 Wheeler 30:5,12 window 27:11 withdraw 14:6 18:11,13,14 30:22 word 20:4 wouldn't 21:3 X Y year-after-year 20:19 years 20:16 21:5 Z	0 014581 8:17 060011 15:19 060249 10:1 072312 2:10 075836 17:13 076070 8:4 076233 3:2 076858 23:22 077812 7:13 078514 23:4 079370 30:7 08019 25:20 082445 6:7 083728 5:15 084847 25:4 086078 9:9 087903 10:16 092484 6:21 093419 5:1 093500 12:6 094099 24:13 095700 11:14 096045 3:17 096688 12:19 1 1 17:9,22 25:17 1/2 2:9 10 7:10 20:16 1029 5:14 104 9:21 10th 24:12 11 8:2 12 8:15 32:6,9 33:21 34:5 1210 3:2 13 9:6 14 9:20 17:10 14th 1:11 6:6 25:4 15 10:12 1501 6:20 11:13 16 11:11 17 12:3 18 12:17 1813 15:18 1819 25:3	1847 17:12 18th 8:3 31:3 1909 7:12 25:20 1C03 17:17 2 2 2:21 15:15 17:14 17:15 22:20 28:17 30:2 2-4-0 28:22 2000 1:11 20009 1:12 2010 32:4 33:11,19 35:7 2014 1:9 17:11 25:18 30:4 31:1 31:21 32:6,9,10 33:21 34:5,6 35:13 2015 4:6,9,11 2032 3:16 2106 8:3 2138 2:9 2473 31:3 2nd 12:5 3 3 3:13 17:14,18 22:21 25:18 30:22 3-0-0 2:20 3:12 3-3-0 28:6 3:33 2:2 3:41 14:3 3:42 14:4 31 4:6,9,11 30:4 3201 9:22 333 23:3 3460 6:6 3713 9:8 4 4 4:4 23:1 31:1 4-0 28:18 4-0-0 4:3,19 5:11 6:3,17 7:9 8:1,14 9:5,19 10:11 4:01 35:19
---	---	---	---	---	--

400S 1:12
405 32:3 33:18
45 27:10
4th 23:22 30:6

5

5 1:9 4:8 23:19
 31:21 35:13
5-0-0 11:4 12:2,16
 14:20 15:14 16:8
 17:6 22:19 23:18
 24:9 25:1,14 33:7
 35:3
5-1-0 30:1
501 23:21
5313 16:12
5413 4:22
5788 12:5

6

6 4:20 24:10
6-0-0 30:21
6914 30:6

7

7 5:12 8:16 25:2
 32:10 34:6
709 10:15
71 9:21
733 24:12
740 8:16

8

8 6:4

9

9 6:18
9th 11:13 25:20